

**From:** Alex Nicksay  
**To:** Microsoft ATR  
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Microsoft has long been a domineering force in the computing field. As an American, I firmly believe in the necessity of a free, competitive, thriving market. However, Microsoft has been found to violate both the spirit and the letter of the law in this regard, and drastic action must be taken to curb such behavior. With their operating system on over roughly 95% of all computers in use today, the average consumer sees little choice. In fact, he/she sees no choice; he/she assumes a Windows-based PC and Windows-centric software are the only solution.

The proposed settlement does very little to place any restraint on Microsoft. The proposed body to be placed at Microsoft is small, incomprehensive, and little more than show. Drastic action must be taken to change a drastic situation. One may point to the antitrust proceedings against AT&T many years ago. It's division effectively stimulated competition in a stagnate market, while still leaving AT&T with substantial business interests. It remains a viable player to this day. I propose a similar treatment for Microsoft--a division into two or preferably three smaller companies. Judge Jackson ruled as such, and there seems to be no reason not to uphold such a penalty because his findings (that Microsoft is a monopoly) have been upheld.

The proposed settlement contains specific language that does and, more specifically, will not apply to the appropriate Microsoft products. Example: in previous antitrust cases, specific language was used, regarding the integration of Windows95 and Internet Explorer. By the time the court was settled, Microsoft had delayed long enough to release Windows98 and later products, eliminating the need for compliance. In this trial, attention should be paid to making any settlements or penalties include broad enough language to apply to future Microsoft products and services. Only then will Microsoft cease to be a monopoly.

Furthermore, the proposed settlement includes measures that would inject a relatively balanced, competitive education market with a large foundation of Microsoft products, services, and software. Contrary to Microsoft's assertions, Microsoft would be the primary and ultimate beneficiary of such a "solution". The cost of reproducing software is negligible; the cost (especially in time) of maintaining refurbished computers is very high; the established software and hardware would influence schools to maintain brand-loyalty to Microsoft for convenience, when otherwise a competing product would have chosen.

Microsoft's proposed settlement does not effectively restrict further monopolistic practices, extends Microsoft's base into more of a

market unfairly, and does not sufficiently benefit the people (every personal computer user, of either Windows or a Window competitor). Therefore, it should be rejected and harsher penalties should be applied.

Respectfully,

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